IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

WP(C).No. 29089 of 2007(K)

PETITIONER:

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1. SUJAN.S, S/O M.SIVAPALAN,
   AGED 46 YEARS, OVERSEER GRADE 1, OFFICE OF THE
   ASST. EXECUTIVE ENGINEER(AGRICULTURE), ALAPPUZHA,
   RESIDING AT VANIYAKUDY HOUSE, POZHIKKARA,
   PARAVOOR P.O., KOLLAM.

2. K.C.MOHANAN, OVERSEER GRADE 1,
   ASSISTANT EXECUTIVE ENGINEER(AGRICULTURE),
   IIND FLOOR N.H.BUILDING, CHEMBUKAVU P.O.,
   THRISSUR, NOW RESIDING AT KOLATE HOUSE,
   SANTHIPURAM P.O., KODUNGALLOOR, THRISSUR.

3. P.A.SAJEEV, DRAFTS MAN GRADE 1,
   ASSISTANT EXECUTIVE ENGINEER(AGRICULTURE)
   IIN FLOOR N.H.BUILDING, CHEMBUKAVU P.O.,
   THRISSUR, NOW RESIDING AT PARIYAKAPA HOUSE,
   EDASSERY P.O., THALIKKULAM, THRISSUR.

4. C.S.SURESH, S/O SHANMUKHAN,
   OVERSEER GRADE 1, ASSISTANT EXECUTIVE
   ENGINEER(AGRICULTURE),MUTTIL P.O.,
   WAYANADU DISTRICT, NOW RESIDING AT
   CHETTIYATH HOUSE, CHENGALOOR P.O.,
   PUTHUKADU, THRISSUR.

5. RENJAN P.D., S/O T.N.DAMODARAN,
   OVERSEER GRADE II, ASSISTANT EXECUTIVE ENGINEER
   (AGRICULTURE), IIND FLOOR N.H.BUILDING,
   CHEMBUKAVU P.O., THRISSUR, NOW RESIDING AT
   PINDANIYIL HOUSE, KURUMASSERY P.O.,
   ALUVA, ERNAKULAM.

BY ADV. SRI.P.V.VENUGOPAL

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY ITS SECRETARY TO GOVERNMENT, AGRICULTURE SECRETARIAT, THIRUVANANTHAPURAM.

2. DIRECTOR OF AGRICULTURE DIRECTORATE OF AGRICULTURE, VIKAS BHAVAN, THIRUVANANTHAPURAM.

3. KERALA PUBLIC SERVICE COMMISSION, REPRESENTED BY ITS SECRETARY, PATTAM, THIRUVANANTHAPURAM.

BY ADV. SRI.ALEXANDER THOMAS,SC,KPSC
GOVERNMENT PLEADER SRI. BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J

W.P.(C). 29089/2007

Dated this the 14th day of December, 2007

JUDGMENT

Petitioners are working as Draftsmen Grade-I (Civil)/Overseer Grade-I in the Agriculture Department. The Special Rules, Ext.P1, provides the method of appointment to the post of Assistant Engineer (Civil)/Head Draftsman (Civil) from among Draftsmen Grade-I (Civil) or Overseer Grade-I in the Agricultural Department, in the ratio of 3:1 for appointment by direct recruitment and for appointment by transfer. According to the petitioners, due to stringent financial measures adopted by the Government, post of Assistant Engineer (Civil) came to be abolished. Consequent thereupon, the ratio described in Special Rules, which provides for the ratio of 3:1 between direct recruitment and promotees cannot be operated, according to the petitioners. In this writ petition, though there is a statement that the said posts have been restored, learned counsel for the petitioners submits that it has not actually been done.

2. Enforceability is a matter which has to be decided by the Government. If at present there are only two

vacancies in the post of Assistant Engineer (Civil), then enforcement of the ratio described in the Special Rules between direct recruits and promotees may cause difficulty as such. In my view, petitioners may bring these facts to the notice of the Government.

3. Accordingly, writ petition is disposed of permitting the petitioners to file a representation before the first respondent pointing the above aspects. If such representation is filed within a period of four weeks from today, Government shall look into it and take a decision within two months thereafter, after hearing the petitioners. As long as the Special Rules remain in force, one vacancy out of every four, will have to be set apart for promotees, it is upto the Government to take necessary action to enable the enforcement of the ratio as such. Other contentions raised by the petitioners are left open.

V.GIRI,
Judge

mrcs